

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

DALLAS MCINTOSH, [#]B-85114
Plaintiff,

v.

WEXFORD HEALTH SOURCES,
INC., et al.

Case No. 17-cv-00103-JPG-DGW

SCANNED AT MENARD and E-mailed
3-22-18 by CR 13 pages
date initials No.

PLAINTIFF'S MOTION TO FILE SUPPLEMENTAL EXHIBITS IN
SUPPORT OF HIS RESPONSE TO DEFENDANTS' MOTIONS FOR
SUMMARY JUDGMENT

NOW COMES the Plaintiff Dallas McIntosh, prose in the above-captioned action, and pursuant to the order of this Honorable Court hereby files the supplemental exhibits in support of his response to the Defendants' motions for summary judgment for failure to exhaust administrative remedies. The Plaintiff states the following in support thereof:

Background

1) Plaintiff initiated the above-captioned action on January 29, 2017, by delivering the civil complaint against all Defendants to prison authorities, with correct prepaid postage, to be mailed to the Clerk of the Court for filing. (Doc. 1)

2) On March 21, 2017, the Court entered its Merits Review Order, finding that the Plaintiff had pled 3 colorable claims against the Defendants. (Doc. 9)

3) On November 21, 2017, Defendant Keen filed a motion for summary judgment for failure to exhaust administrative remedies; on January 5, 2018, Defendants Rodriguez and Wexford Health Sources, Inc. also filed a motion for summary judgment for failure to exhaust administrative remedies; and on January 29, 2018, the Court entered an order that Plaintiff's responses to both summary judgment motions was to be filed by March 9, 2018. (Docs. 61, 62, 69, 70 & 73)

4) On March 9, 2018, I filed a combined response to the Defendants' motions for summary judgment by placing the document into the institutional mail to be forwarded to the law library for electronic filing. (Doc. 88) However, due to interference caused by the institution, the Plaintiff was unable to attach multiple exhibits that were cited by him in his declaration in opposition to defendants' motions for summary judgment (i.e. Exhibits A, B & C); whereupon the Plaintiff requested an extension of time within which to recover the exhibits and file them as supplemental attachments to his filed-response — a request which this Honorable Court granted. (Doc. 88, p. 12); (Docs. 84 & 86)

5) The Plaintiff has since resolved the delay caused by prison officials and has retrieved the above-referenced exhibits that were described in the Plaintiff's declaration and which were meant to be originally attached to that pleading.

6) The exhibits are hereby attached to this motion, properly marked and designated so as to correspond to the Plaintiff's declaration wherein they were cited, and are to be read and referenced in conjunction with the rest of Plaintiff's response in opposition to the Defendants' motions for summary judgment. * The exhibits are attached herein as Exhibits A, B, and C. (See Doc. 88, p. 12)

WHEREFORE, in the interests of justice & fairness, the Plaintiff requests this Honorable Court allow the exhibits attached hereto to be filed as supplemental exhibits in support of the Plaintiff's Response to Defendants' Summary Judgment Motions.

Date: March 19, 2018

Respectfully Submitted,
Dallas McIntosh
Dallas McIntosh, #B-85114
Menard Correctional Center
P.O. Box #1000
Menard, IL 62259

CERTIFICATE OF SERVICE

I certify that on March 22, 2018, I had the foregoing document electronically filed at Menard Correctional Center, using the CM/ECF system, which, in turn, will send a copy & notification of such filing to the Defendants at:

Julie A. Branch

Brian M. Funk

O'Halloran, Kasoff, Geitner & Cook, LLC.

650 Dundee Road, Suite #475

Northbrook, IL 60062
(*Attorneys for Defendants)

s/ Dallas McIntosh
Dallas McIntosh, #B-85114



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
prisoner.esl@ilsd.uscourts.gov

RECEIVED MAR 22 2018

ELECTRONIC FILING COVER SHEET

Please complete this form and include it when submitting any type of document, letter, pleading, etc. to the U.S. District Court for the Southern District of Illinois for review and filing.

Dallas McIntosh
Name

#B-85114
ID Number

Please answer questions as thoroughly as possible and circle yes or no where indicated.

1. Is this a new civil rights complaint or habeas corpus petition? Yes or No

If this is a habeas case, please circle the related statute: 28 U.S.C. 2241 or 28 U.S.C. 2254

2. Is this an Amended Complaint or an Amended Habeas Petition? Yes or No

If yes, please list case number: _____

If yes, but you do not know the case number mark here: _____

3. Should this document be filed in a pending case? Yes or No

If yes, please list case number: 17-cv-00103-JPG-DGW

If yes, but you do not know the case number mark here: _____

4. Please list the total number of pages being transmitted: 13

5. If multiple documents, please identify each document and the number of pages for each document. For example: Motion to Proceed In Forma Pauperis, 6 pages; Complaint, 28 pages.

Name of Document	Number of Pages
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Please note that discovery requests and responses are NOT to be filed, and should be forwarded to the attorney(s) of record. Discovery materials sent to the Court will be returned unfiled.